IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2552 OF 2002

Vishnu Maruti Kalkar & Ors. ...Petitioners
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr.S.D.Thokade for Petitioners
Mr.R.M.Patne, A.G.P. for Respondent Nos.1 to 3

CORAM: H.L.GOKHALE &
SMT.R.S.DALVI,JJ.
DATED: 6TH JULY, 2005

P.C.

1. Heard Mr.Thokade in support of this Petition. Mr. Patne, A.G.P. appears for the State. The Petitioner is challenging the acquisition of part of his lands for the benefit of the people affected in a project to whom the land has to be distributed as per the Maharashtra Project Affected Persons Rehabilitation Act, 1986. The concerned parcels of land namely Gat No.241 and 248 have already been taken in possession and have been distributed, that is also stated in the reply filed by the State. The principle plea raised by the Petitioner has been that only one person of the family is shown as the head of the family but there are other co-sharers and all should be considered as entitled to hold land separately. As far as this plea is concerned the same has been negatived in a Judgment rendered by Apex Court in SLP No.6692 of 1995 dated 27th March, 1995. This being the position we do not find any error on the part of

the Respondents.

2. Mr.Thokade has drawn our attention to the order of remand passed in Civil Appeal No.11809 of 1995 by the Apex Court. The order is passed in facts and particulars of that cases. In present case possession has already been taken and land has been distributed. We do not think it proper to pass any order interfering in this matter. Petition is dismissed.

(H.L.GOKHALE,J.)

(SMT.R.S.DALVI,J.)